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FILED

DEC 03 2019

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

MAN HO  
LE THUY NGUYEN  
a/k/a Kim Nguyen

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19-360

Criminal No.

(18 U.S.C. §§ 371, 1425(a))

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

INDICTMENT

COUNT ONE

The grand jury charges:

INTRODUCTION

At all times relevant to this Indictment:

1. MAN HO, an individual known to the grand jury, was a native and citizen of Vietnam.
2. LE THUY (KIM) NGUYEN, an individual known to the grand jury, was a native and citizen of Vietnam. NGUYEN is the aunt of HO.
3. RC, an individual known to the grand jury, is a citizen of the United States.

THE CONSPIRACY AND ITS OBJECTS

4. From in and around 2010, and continuing thereafter until in and around September 2019, in the Western District of Pennsylvania and elsewhere, the defendants, MAN HO and KIM NGUYEN, knowingly and willfully did conspire, combine, confederate and agree together and with each other, and with other persons known to the grand jury, to commit offenses against the United States, that is:

- (a) facilitating and entering into a marriage between MAN HO and RC, for the purpose of evading any provision of the immigration laws, in violation of Title 8, United States

Code, Section 1325(c);

(b) attempting to procure, contrary to law, the naturalization or citizenship of MAN HO or evidence of naturalization or citizenship, including documentary and otherwise, in violation of Title 18, United States Code, Section 1425(a).

MANNER AND MEANS OF THE CONSPIRACY

5. It was a part of the conspiracy that the defendant, KIM NGUYEN, introduced the defendant, MAN HO, to RC and requested RC to enter into a marriage with the defendant, MAN HO, so that MAN HO could enter the United States and obtain lawful permanent residency and eventual United States citizenship.

6. It was further a part of the conspiracy that the defendant, MAN HO, and RC would, and did, enter into a marriage for the purpose of evading the immigration laws of the United States.

7. It was further a part of the conspiracy that the defendant, MAN HO, and RC made false statements and submitted documents containing false representations to United States Citizenship and Immigration Services (CIS) and committed other fraudulent acts to indicate falsely that they were living together and had a legitimate marriage.

8. It was further a part of the conspiracy that the defendant, MAN HO, would receive legal permanent residency and eventually be naturalized as a United States citizen, by virtue of her marriage to RC, a United States citizen.

9. It was further a part of the conspiracy that the defendants, KIM NGUYEN and MAN HO, agreed to pay, and did pay, money to RC, for entering into a marriage with MAN HO and for providing false statements to CIS.

OVERT ACTS

10. In furtherance of the conspiracy, and to effect the objects of the conspiracy, the defendants, MAN HO and KIM NGUYEN, and other persons known to the grand jury, did commit

and cause to be committed, the following overt acts, among others, in the Western District of Pennsylvania and elsewhere:

(a) In and around 2010, the defendant, KIM NGUYEN, offered money to RC to marry the defendant, MAN HO, in order to evade the immigration laws of the United States.

(b) On or about July 28, 2011, the defendant, MAN HO, entered into a marriage in Vietnam with RC in order to evade the immigration laws of the United States.

(c) On or about December 4, 2011, RC signed a Petition for Alien Relative (Form I-130) which was submitted to CIS, in which he claimed to be married to the defendant, MAN HO, when, in fact, as he then well knew, he had entered into a marriage with the defendant, MAN HO, for the purpose of evading the immigration laws of the United States.

(d) On or about December 5, 2014, the defendant, MAN HO, entered the United States and obtained lawful permanent resident status through her marriage to RC.

(e) On or about February 7, 2018, the defendant, MAN HO, signed an Application for Naturalization (Form N-400), seeking naturalization based on having been married to and living with the same U.S. citizen spouse for the last three years in Item 1 of Part 1 (Information About Your Eligibility), when, as she then well knew, these representations were false.

(f) In that application (Form N-400), the defendant, MAN HO, also listed RC's address as her current physical address in Item 1.A. of Part 5 (Information About Your Residence), when, as she then well knew, she did not reside at that address.

(g) In that application (Form N-400), the defendant, MAN HO, further responded "No" to Question 30.E. of Part 12 (Additional Information About You (continued)), asking whether she "ever . . . [m]arried someone in order to obtain an immigration benefit," when,

as she then well knew, such representation was false.

(h) By signing the N-400, the defendant, MAN HO, certified, under penalty of perjury, that all information in her application was complete, true, and correct.

(i) On or about July 2, 2018, the defendant, MAN HO, appeared for her naturalization interview and testified under oath that she had been living with her spouse, RC, for the past three years. As she then well knew, such representations were false.

(j) In and around August 2018, the defendant, MAN HO, and RC submitted to CIS documents containing misrepresentations as to their residence and marriage solely for the purpose of evading the immigration laws of the United States.

(k) From in and around 2010 continuing until in and around 2019, the defendants, KIM NGUYEN and MAN HO, agreed to pay and did pay RC \$10,000 for entering into the marriage with the defendant, MAN HO, as well as additional sums for expenses RC incurred in connection with falsely documenting their marriage in order to evade the immigration laws of the United States.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

The grand jury further charges:

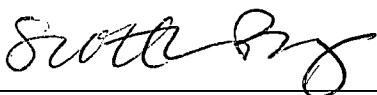
11. Paragraphs One through Ten are realleged and incorporated by reference as if fully set forth herein.

12. From in and around February 2018 until in and around August 2018, in the Western District of Pennsylvania, the defendant, MAN HO, knowingly attempted to procure and obtain, contrary to law, naturalization and evidence of naturalization and citizenship, including documentary and otherwise, for herself by knowingly providing false and fraudulent information as to material facts in her Application for Naturalization, Form N-400; at her naturalization interview; and in subsequent documentation submitted to CIS, to wit: MAN HO falsely represented that she had been married to and living with the same U.S. citizen spouse for the last three years and that she had never married someone in order to obtain an immigration benefit.

In violation of Title 18, United States Code, Section 1425(a).

A True Bill,

  
Foreperson

  
SCOTT W. BRADY  
United States Attorney  
PA ID No. 88352